

**441—204.4(234) Negotiation of amount of subsidy.**

**204.4(1) *Subsidy agreement.*** The amount of subsidy shall be negotiated between the department and the guardian, and shall be based upon the needs of the child, and the circumstances of the family. Each time negotiations are completed, the Guardianship Subsidy Agreement, Form 470-3631, shall be completed and signed by the guardian and the department worker.

**204.4(2) *Amount of subsidy.*** The department shall enter into the agreement based upon available funds. Each time negotiations are completed, the department worker and guardian shall complete Form 470-3631, Guardianship Subsidy Agreement.

*a.* The guardianship subsidy shall be based on a flat daily foster care rate adjusted according to the needs of the child and the circumstances of the family.

(1) The rate for the guardianship subsidy shall not exceed the state's current daily basic foster care rate plus any daily level 1 or 2 special needs allowance or sibling allowance for which the child is eligible, as found at 441—subrule 156.6(1) and 441—paragraphs 156.6(4) “*b*” and “*f*.”

(2) Rescinded IAB 1/3/07, effective 1/1/07.

*b.* If the payment is less than the maximum amount allowed, the guardian may request an increase if the child's or family's needs and circumstances require additional resources.

**204.4(3) *Placement outside of home.*** If a child needs to be placed out of the guardian's home and the plan is for the child to return to the guardian within six months, a partial subsidy amount may be negotiated.

**204.4(4) *Nonrecurring expenses.*** The nonrecurring expenses necessary to finalize a guardianship shall be limited to the amount found in 441—subparagraph 201.6(1) “*a*”(7).